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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIMPHONY L. WALKER,

Plaintiff,

vs.

SANTA CLARA COUNTY DEPARTMENT OF
CORRECTION OFFICERS WHEELER,
LIGOURI, CORRECTIONAL SERGEANT
CORSO, CORRECTIONAL LIEUTENANT FRED
HINK, RICHARD WITTENBERG-COUNTY
EXECUTIVE, JIM BABCOCK-CHIEF OF
CORRECTIONS, SANTA CLARA COUNTY
DEPARTMENT OF CORRECTION, SANTA
CLARA BOARD OF SUPERVISORS, AND
DOES, I-V.,

Defendants.

CASE NO.: C-04-00022 VRW (PR)

**JOINT STIPULATION AND
[PROPOSED] ORDER TO CONTINUE
THE PARTIES' DEADLINE FOR
DEPOSING THE NAMED PARTIES**

Complaint Filed: January 6, 2004

1 On August 15, 2006, this Court issued an Order establishing a December 29, 2006 cutoff
 2 for deposing plaintiff Timphony Walker and defendants Elmer Wheeler and Sanna Ligouri.
 3 Plaintiff, by and through his attorney of record, and defendants, by and through their attorney of
 4 record, have diligently and in good faith worked through discovery issues and tried to meet the
 5 Court's deadline for deposing the named parties. However, for the following reasons, they
 6 stipulate to extending this deadline to February 23, 2007 and respectfully submit that good cause
 7 exists for granting the proposed extension:

8 1. Plaintiff has a significant medical history, which includes voluminous medical and
 9 mental health records from various facilities. On August 23, 2006, Defendant sent a subpoena to
 10 Patton State Hospital for medical records where Plaintiff is currently located. Because the
 11 medical records contain highly sensitive medical information, Plaintiff's counsel sought to review
 12 the records first and they were later disclosed to Defendants on October 26, 2006;

13 2. Defendants now have approximately 4,000 pages of medical records that must be
 14 reviewed before Defendant can take Plaintiff's deposition. Because of the nature of Plaintiff's
 15 medical history the medical records have to summarized by in-house staff. Defendants are unable
 16 to do so before the current deadline and also arrange for the logistical issues raised by location of
 17 Plaintiff's deposition;

18 3. Plaintiff is currently housed at Patton State Hospital in Patton, California. The
 19 parties must coordinate with hospital staff and arrange for a court reporter to travel to the facility.
 20 Because of Plaintiff's medical state, Plaintiff's counsel has represented that it would be best to
 21 complete Plaintiff's deposition in one-half day sessions over a period of two days. Accordingly,
 22 Defendant would also like to depose Plaintiff's medical providers at the facility in order to
 23 conserve resources;

24 4. The Santa Clara County correctional facility where Defendants allegedly assaulted
 25 Plaintiff is a maximum-security facility. Counsel for Plaintiff and Defendants, after meeting and
 26 conferring on Plaintiff's counsel's desire to visit the facility, have sought to schedule a timely
 27 visit, however, the Sheriff's staffing and safety concerns are likely to make it impossible for
 28 Plaintiff's counsel to visit the facility before January 2007;

1 5. There are at least three third-party witnesses employed by the Sheriff whom
 2 Plaintiff's counsel has sought to depose prior to conducting Defendants' deposition. The
 3 schedules of these witnesses and of counsel will not, however, permit more than two of them to
 4 be deposed prior to December 29, 2006 and will not leave any time to depose Defendants before
 5 the existing deadline passes; and

6 6. Plaintiff will be prejudiced if his counsel cannot conduct an on-site inspection and
 7 the depositions of a third-party witness and two of Defendants' supervisors prior to deposing
 8 Defendants.

9 7. Extending the parties' deadline for deposing Plaintiff and Defendants to February
 10 23, 2007 will not impact the parties' ability to be ready for their current trial date of October 10,
 11 2007.

12 For the foregoing reasons, the parties stipulate to extending the current discovery deadline
 13 of December 29, 2006 to February 23, 2007 and submit that good cause exists for granting this
 14 extension.

15 **IT IS SO STIPULATED:**

17 Dated: December 11, 2006

COBLENTZ, PATCH, DUFFY & BASS LLP

19 By:

SABRINA L. FEVE
Attorneys for Plaintiff
TIMPHONY L. WALKER

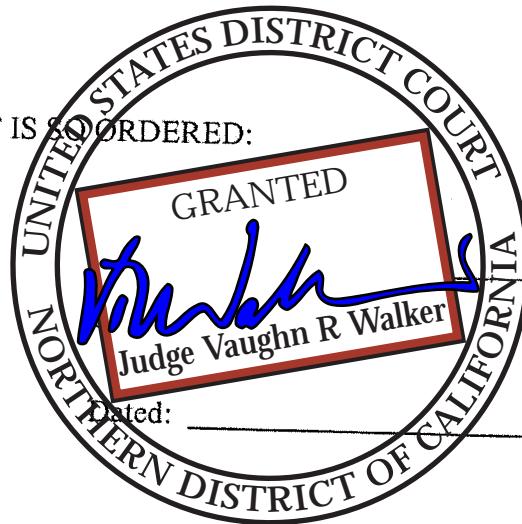
22 Dated: December 11, 2006

23 ANN MILLER RAVEL
County Counsel

25 By:

ARYN P. HARRIS
Lead Deputy County Counsel
Attorneys for Defendants
Officers Wheeler and Liguori

PURSUANT TO STIPULATION, IT IS SO ORDERED:



Dated: December 18, 2006

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